

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**DAWN M. JENKINS,**

**Plaintiff,**

**v.**

**AFNI, INC.; DIVERSIFIED  
CONSULTANTS, INC.;  
EQUIFAX INFORMATION  
SERVICES, LLC, and EXPERIAN  
INFORMATION SOLUTIONS, INC.,**

**Defendant.**

**Case No. 1:12-cv-10622-WGY**

**Electronically Filed**

**JOINT PROPOSED PRETRIAL SCHEDULE AND DISCOVERY PLAN**

Under Fed. R. Civ. P. 26(f) and Local Rule 16.1, Plaintiff Dawn M. Jenkins and counsel for Defendants AFNI, Inc., Diversified Consultants, Inc., Equifax Information Services LLC, and Experian Information Solutions, Inc., conferred by telephone regarding a joint proposed pretrial case schedule and discovery plan on August 31, 2012, and attended a Scheduling Conference on September 10, 2012, and they present the following statements, joint proposed pretrial schedule, and discovery plan.

**I. PROPOSED PRETRIAL SCHEDULE AND DISCOVERY PLAN**

The parties submit that this case warrants a nine (9) month discovery period and submit the following deadlines:

**1) Discovery Plan.** The parties jointly propose the following discovery plan.

**a) Topics of Discovery.** Discovery, to the extent not privileged or otherwise not discoverable, is necessary as to topics including, but not limited to: the allegations contained in Plaintiff's Complaint; Plaintiff's alleged damages; Plaintiff's written and

oral communications with the parties and third parties related to the allegations in the Complaint or Plaintiff's alleged damages; Plaintiff's financial and consumer history; the facts and circumstances of the underlying disputed items in Plaintiff's credit file; results and procedures used to reinvestigate Plaintiff's disputes; Plaintiff's applications or attempted applications for credit during the relevant time period.

\* The parties reserve the right to conduct discovery on subjects not listed above and to object to discovery sought regarding the subjects listed above.

- b) **Protective Order:** Defendants anticipate that discovery in this case may require them to produce confidential and/or proprietary business information. Accordingly, the parties agree that Defendants, before producing any confidential or proprietary information, may submit a reasonable confidentiality agreement / protective order to Plaintiff for review and execution. If the parties are unable to agree on a suitable confidentiality agreement/protective order, the defendants will file a motion for protective order.
- c) **Electronic Discovery:** The parties acknowledge their obligations with respect to electronic discovery under the Federal Rules of Civil Procedure.
- d) **Initial Disclosures.** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) no later than September 24, 2012.
- e) **Discovery Deadline:** All discovery (written and deposition) shall be completed by June 3, 2013.
- f) **Modifications to Limitations on Discovery Imposed by the Federal Rules.** The Parties do not anticipate any modifications to the limitations on discovery at this time. If the need for additional discovery arises, the Parties will request the same from the Court.

- g) Expert Discovery:** The parties **do not expect** expert discovery to be needed at this time, but reserve the right to amend this discovery plan if expert testimony is needed.
- h) Dispositive Motions:** All dispositive motions will be filed no later than **July 8, 2013.**
- i) Settlement:** Plaintiff submitted a Settlement Proposal to each Defendant on August 27, 2012. Plaintiff has had preliminary discussions regarding settlement with each Defendant. At the LR 16.1(b) Conference on August 31, 2012, and at the Scheduling Conference on September 10, 2012, the parties considered the option of alternative dispute resolution (ADR). The Court has referred this case to ADR in October 2012 (Doc. 38).
- j) Pretrial Schedule:** The parties have conferred regarding the pretrial schedule and agreed to a proposed final pretrial conference date in September 2013, and the Court has noted that it will set the final pretrial conference in the month of September 2013. The Court has set this case as ready for trial on October 7, 2013 at 9:00 a.m.

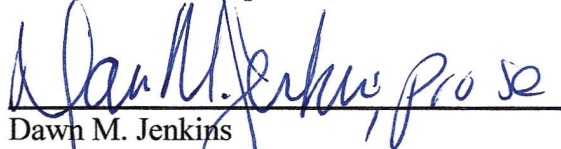
**2) Certifications by Counsel/Representatives.** Pursuant to Local Rule 16.1(d)(3), Counsel filed their respective certifications prior to the Scheduling Conference.

## **II. CONSENT TO MAGISTRATE JUDGE**

The parties do not consent to a magistrate judge.

Respectfully submitted this 24th day of September, 2012,

Dawn M. Jenkins, *pro se*,

  
Dawn M. Jenkins  
c/o 33 Eastern Avenue  
Unit 2  
Lynn, MA 01902  
(978) 332-3798

AFNI, Inc., and Diversified Consultants, Inc.,  
By its attorneys,

/s/ John J. O'Connor

John J. O'Connor (BBO# 555251)  
joconnor@peabodyarnold.com  
Peabody & Arnold LLP  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210-2261  
(617) 951-2100  
(617) 951-2125 (fax)

Equifax Information Services, LLC,

By its attorneys,

/s/ Brian J. Olson

Brian J. Olson (admitted *Pro Hac Vice*)  
bjolson@kslaw.com  
KING & SPALDING LLP  
1180 Peachtree St. N.E.  
Atlanta, Georgia 30309  
T: 404-215-5806/ F: 404-572-5100

and

Katherine S. Kayatta (BBO# 675487)  
kkayatta@rc.com  
ROBINSON & COLE  
One Boston Place  
Boston, MA 02108-4404  
(617) 557-5931

Experian Information Solutions, Inc.,

By its attorneys,

/s/ Maureen P. McAneny

Maureen P. McAneny (admitted *Pro Hac Vice*)  
mmcaneny@jonesday.com  
JONES DAY  
1420 Peachtree Street, N.E.  
Atlanta, GA 30309  
Tel: (404) 581-8327  
Fax: (404) 581-8330

and

Robert S. White (BBO #552229)  
rsw@bourgeoiswhite.com  
BourgeoisWhite, LLP  
One West Boylston Street, Suite 307  
Worcester, MA 01605  
Tel: (508) 753-7038  
Fax: (508) 756-1613



**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of September, 2012, I caused a copy of the Joint Proposed Pretrial Schedule and Discovery Plan to be filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record:

John J. O'Connor  
[joconnor@peabodyarnold.com](mailto:joconnor@peabodyarnold.com)  
PEABODY & ARNOLD LLP  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210-2261  
Tel.: (617) 951-2100  
*Attorneys for Defendant AFNI, Inc. and  
Defendant Diversified Consultants, Inc.*

Katherine S. Kayatta  
[kkayatta@rc.com](mailto:kkayatta@rc.com)  
Kendra L. Berardi  
[kberardi@rc.com](mailto:kberardi@rc.com)  
ROBINSON & COLE  
One Boston Place  
Boston, MA 02108-4404  
Tel: (617) 557-5931

Brian J. Olson (admitted *Pro Hac Vice*)  
[bjolson@kslaw.com](mailto:bjolson@kslaw.com)  
KING & SPALDING LLP  
1180 Peachtree St. N.E.  
Atlanta, Georgia 30309  
T: 404-215-5806/ F: 404-572-5100  
*Attorneys for Defendant Equifax  
Information Services LLC*

I further certify that a true copy of the foregoing was served on the following parties via First Class, U.S. Mail, postage prepaid, on the 24th day of September, 2012, properly addressed as follows:

Ms. Dawn May Jenkins  
c/o 33 Eastern Avenue, Unit 2  
Lynn, MA 01902  
*Plaintiff*

/s/ Maureen P. McAneny  
Maureen P. McAneny  
*Admitted Pro Hac Vice*